

CONCLUSION OF MORNING
BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to resume consideration of the following nomination, which the clerk will report.

The legislative clerk read the nomination of Alejandro Nicholas Mayorkas, of the District of Columbia, to be Secretary of Homeland Security.

The PRESIDING OFFICER. The Senator from Texas.

BIDEN ADMINISTRATION

Mr. CORNYN. Madam President, President Biden built his campaign for the Presidency around a theme of unity, the promise that he would work to heal the deep divisions that exist in our country and restore respect and bipartisan communication. He has consistently pointed to his decades in the U.S. Senate as proof of his understanding and his ability to achieve results—and for good reason. Senator Biden had a record of working across the aisle and brokering bipartisan deals, but so far, at least, the actions of President Biden have run counter to his image as a pragmatic dealmaker.

Let's look at the first big test, which is coronavirus relief. This, of course, has been the main focus of the Senate for nearly a year now. We passed several bipartisan bills, ranging from far-reaching, multitrillion-dollar packages to smaller, more targeted bills, and every single one received overwhelming bipartisan support. Make no mistake, the path to getting those bills signed into law was not easy. The Republican-controlled Senate and the Democratic-controlled House had very different ideas about the size and shape of those bills, but we managed to overcome those differences and provide trillions of dollars in relief to support our response on both the healthcare and economic fronts.

President Biden has made COVID relief a top priority and laid out a framework for a \$1.9 trillion coronavirus relief package, which includes everything from bipartisan priorities, like funding for vaccines, to partisan ones, like slush funds for blue States.

I don't support the President's proposal in its current form, but I do believe that it is a good place to start to kick off bipartisan negotiations. I also believe that before we rush out and throw trillions of dollars—I should say more dollars—at this problem, we need to see how what we have done is already working. In fact, it was only a month ago when we passed our last COVID-19 relief bill with big bipartisan votes, and that money is not even out the door yet.

As we look to the future, I had high hopes that we could continue this trend of working together. After all, that is the idea the President ran on—bipartisanship, deal making, and reaching across the aisle to build consensus.

President Biden knows the rough and tumble of the legislative process very well. He helped broker many compromises during his career and promised to use that experience to restore bipartisanship in Washington. But that is not what the early days of this administration have looked like, not even close.

Our Democratic colleagues kicked off the year with threats to eliminate the filibuster. We know the filibuster is the single biggest safeguard of the minority in the Senate, whether it be Republican or Democrat, because it requires—indeed, it forces—bipartisan compromise in order to advance legislation.

For the past 6 years, as the minority party, our Democratic colleagues have proudly filibustered bill after bill. They have blocked the Senate from considering legislation on everything from coronavirus to justice reform, to border security.

Make no mistake, Republicans were frustrated. It is frustrating to have the majority and not be able to get what you want. But the integrity of the filibuster and its ultimate purpose was never called into question, even though Leader McCONNELL faced calls from many—including President Trump—to toss it out the window.

But in this new reality of a 50-50 Senate, the Democratic leader has so far not been interested in playing by the existing rules. He wants an easy, compromised-free path for the Democratic radical agenda, and he is prepared to go full-scorched earth to make it happen.

Senator SCHUMER has threatened to eliminate the legislative filibuster and subject the country to the chaos that a majority-ruled Senate would create. The difference here, of course, is that Leader McCONNELL stood up to those in his own party who called for this. Senator SCHUMER so far has led us to believe that he will not do the same.

Fortunately, the Senators from West Virginia and Arizona, Senators MANCHIN and SINEMA, have vowed not to participate in this dangerous exercise. And it is clear—or it should be clear, but I will emphasize—that this is not for the benefit of the minority party. This is for the benefit of the Senate as an institution and the country as a whole.

With the elimination of the filibuster off the table, because at least two Democratic Senators will not vote to eliminate it, Senate Democrats have found a new opportunity to break the rules, ignore precedent, and pave a path for partisan legislation. If the reports can be believed, our Democratic colleagues are preparing to abuse the budget reconciliation process to ram President Biden's coronavirus relief proposal through the Senate. This is a

process designed as a way to enact certain fiscal policies in a budget resolution—things like spending reductions, tax relief, or tax increases.

Unlike the traditional legislative process, which is used for the majority of the bills that move through the Senate, there is no 60-vote threshold when you use budget reconciliation. But that doesn't mean you can or you should fast-track partisan legislation. In fact, our predecessors have warned us against that.

One of the most influential Senators in protecting this budget reconciliation process was Robert C. Byrd, the longtime Senator from West Virginia. He was the architect of the now so-called Byrd rule, which is used to keep the reconciliation process from being used to circumvent the normal legislative process. In short, he wanted to prevent the process from being abused in the way Democrats appear to be preparing for now.

The referee in all of this is the Senate Parliamentarian, a nonpartisan expert adviser on Senate rules and procedure. Folks on both sides of the aisle know and respect our Parliamentarian and the people who work with her. We respect their guidance to understand the rules of the Senate and ensure that both sides are treated fairly.

The most senior Member of this Chamber, the President pro tempore, once said:

I've been here with many, many parliamentarians. All were good. But she's the best.

Throughout modern history, Senate Parliamentarians have advised the Senate on which provisions can and cannot be included in a budget reconciliation bill based on the application of the Byrd rule. In fact, the Parliamentarian gives it a process known as "a Byrd bath."

While the majority party technically has the power to determine whether or not to accept the Parliamentarian's advice, there has never been much of a question about whether to do so or not.

Think about this. It would be like allowing a batter in the World Series to ignore the umpire's balls-and-strikes call and treat every pitch as if it were a ball. I am sure it is no surprise, then, that the last time either party ignored the Parliamentarian's ruling was 1975—nearly 50 years ago. Since then, both Republicans and Democrats have understood the dangers of such reckless action and have respected the advice of the Parliamentarian, even when it punches a hole in their own legislation.

But if reports are to be believed, it looks like our Democratic colleagues may be preparing to break precedent once again. With the filibuster—legislative filibuster—still intact, our Democratic colleagues are no doubt considering a plan to shove President Biden's massive coronavirus relief bill through the Senate using reconciliation, and that plan involves ignoring